

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

DELMOND COZART,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-25-254-R
)	
OKLAHOMA DOC, et al.,)	
)	
Defendants.)	

ORDER

This matter comes before the Court for review of the Report and Recommendation [Doc. No. 6] issued by United States Magistrate Judge Shon T. Erwin pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Erwin recommends that several claim be dismissed at the screening stage. As noted by Judge Erwin, Plaintiff's Complaint names twenty-one defendants and asserts a variety of claims arising from his transfer to Lawton Correctional Facility, alleged deliberate indifference to serious medical needs involving a food allergy, and alleged due process violations in connection with two misconduct. Upon screening of the Complaint, Judge Erwin recommends (1) dismissal with prejudice of any claim against the Tulsa County Sheriff's Department, the Oklahoma Department of Corrections (DOC), and GEO; (2) dismissal of Plaintiff's claim for injunctive relief; (3) dismissal without prejudice of any claim against Defendants Mason, Harpe, Green, Myers, Cooper, Hart, Boger, Star, Platt, Brown, Timms, Anderson, Foxx, Mac, Beam, and Manecke; (4) concluding that Plaintiff has stated individual capacity Eighth Amendment claims against Defendants Porter and Vallejo, limited to the recovery of monetary damages; and (5) dismissal without prejudice of Plaintiff's Motion for Summary Judgment.

Within the time for filing an objection to the Report and Recommendation, Plaintiff filed a document [Doc. No. 16] requesting a copy of the docket sheet, the appointment of counsel, and an emergency injunction. However, even liberally construed, Plaintiff's filing does not raise any specific objections to Judge Erwin's substantive findings, and he has therefore waived further review of those issues addressed in the Report. *See United States v. 2121 E. 30th St., Tulsa, Oklahoma*, 73 F.3d 1057, 1060 (10th Cir. 1996) ("Therefore, we hold that a party's objections to the magistrate judge's report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review."); *Adargo v. U.S. Parole Comm'n*, 26 F. App'x 795, 797 (10th Cir. 2001) ("Objections to the magistrate's report must be specific enough to focus the district court's attention on the factual and legal issues in dispute.").

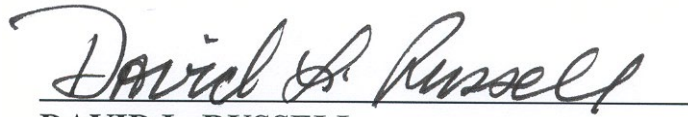
Accordingly, the Report and Recommendation is ADOPTED as follows: any claims against the Tulsa County Sheriff's Department, DOC, and GEO are dismissed with prejudice; Plaintiff's claim for injunctive relief requesting that he be returned to his federal reservation in Tulsa is dismissed; any claim against Defendants Mason, Harpe, Green, Myers, Cooper, Hart, Boger, Star, Platt, Brown, Timms, Anderson, Foxx, Mac, Beam, and Manecke are dismissed without prejudice; and Plaintiff's Motion for Summary Judgment is denied without prejudice to resubmission at the appropriate time. The remaining cause of action is an individual capacity claim against Defendants Porter and Vallejo for deliberate indifference to serious medical needs, in violation of the Eighth Amendment.¹

¹ Although this claim has survived the screening stage, the Court declines to affirmatively conclude that Plaintiff has stated a plausible claim against these defendants.

Additionally, any relief Plaintiff's requests in his filing [Doc. No. 16] is denied without prejudice for failure to comply with LCvR7.1(c), which requires each motion to be filed as a separate document.

This action remains referred consistent with the initial case referral.

IT IS SO ORDERED this 2nd day of July, 2025.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE